

CITY PLANNING COMMISSION
Austin, Texas

Regular Meeting -- July 18, 1961

The meeting of the Commission was called to order at 7:30 p.m. in the Council Room, Municipal Building.

Present

D. B. Barrow, Chairman
Fred C. Barkley
Howard E. Brunson*
Pericles Chriss
S. P. Kinser
Emil Spillmann
*Left meeting at 9:00 p.m.

Absent

Doyle M. Baldridge
W. Sale Lewis

Also Present

Hoyle M. Osborne, Director of Planning
E. N. Stevens, Chief, Plan Administration
Dudley Fowler, Assistant City Attorney

MINUTES

No minutes were submitted for approval.

The following zoning change and Special Permit requests were considered by the Zoning Committee at a meeting July 11, 1961:

ZONING

C14-61-88 Sue F. Hughes: A to O
1211 North Loop Blvd.

STAFF REPORT: This is a request for a change from "A" Residence to "O" Office. The property is small, approximately 77' x 76'. The surrounding property is developed entirely residential with the exception of five lots. The Department feels this constitutes a spot zone and therefore recommends against the change.

Mrs. Hughes appeared in support of her request and gave her reasons as follows:

1. I bought this lot adjoining my home for a small office for my income tax work four months out of the year. The remainder of the lot will be hard surfaced for parking. I cannot always lease the lot next to my present office for customer parking.
2. Deed restrictions prohibit operation in my home. I am past 65 years of age and it would be difficult to convince the Social Security office that I do not work in my home the other eight months. There will be no outside employees.

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C14-61-88 Sue F. Hughes--contd.

Mrs. Jeanie B. Prewitt (1305 North Loop Boulevard) appeared and she and three others later submitted written approval in response to opposition expressed:

1. Type of building proposed (frame with asbestos siding) is like the nearest house.
2. Traffic congestion on North Loop would not be increased since it is already heavily traveled. This makes it undesirable for residential use. Also, commercial uses are near.
3. Property of none of the objectors faces North Loop and they are not affected by noise and traffic on this thoroughfare.

Nine nearby owners appeared in opposition and written objections were filed by ten owners. Reasons given included:

1. It is not feasible to zone a small tract such as this to anything except residential, especially in this area restricted to residential use. This would set off a chain of rezoning requests, especially on vacant lots on North Loop. An Office area could be nice but is a step down from residential. There is no guarantee that this property might not be sold and used for even more objectionable types of use with resultant noise, late hours, extra traffic and general unsightly conditions.
2. The applicant acquired this property knowing it was residential. Others bought their homes in the vicinity because the lots in that area were zoned residential. This zoning would serve to benefit a very small minority in the neighborhood.
3. There is ample commercial property suitable for office use and available on nearby paved streets. This request would be spot zoning and rezoning of small tracts of this caliber in residential areas of the city are wrong unless the majority of the owners of that area would be benefited by the change.
4. It is already a problem for school children using North Loop going to Rosedale Elementary, Lamar Junior High, and McCallum High schools without adding more traffic.

A review of the staff report showed that this area is developed predominantly with single-family homes and to grant this request would create a spot zone. For these reasons the Commission unanimously

VOTED: To recommend that the request of Sue F. Hughes for a change of zoning from "A" Residence to "O" Office for property located at 1211 North Loop Boulevard be DENIED.

ABSENT: Messrs. Baldrige, Brunson and Lewis

C14-61-89 F. J. Brockman: C to C-1
Burnet Rd. and Anderson La.

STAFF REPORT: This property fronts 170.56 feet on Anderson Lane and 124.35 feet on Burnet Road. To the east it is primarily residential and along Burnet Road it is undeveloped. Our only question is the size of the lot included in the application. The Department feels that the request should be amended to use only the area he needs for the operation of his cafe which occupies only the Burnet Road frontage.

No one appeared to represent the applicant.

Seven nearby owners appeared in opposition, one reply to notice and one petition signed by 23 owners objecting to the request were filed. Reasons given may be summarized as follows:

1. This is a clean neighborhood with many children living here. If beer is sold here people will drink it and be in our neighborhood. This will devalue our homes, some of value from \$17,000 to \$20,000. The class of people patronizing this type of store usually drink heavily and are not an asset to the neighborhood.
2. The present grocery store sells beer and now they want to add it to the restaurant. The property is not kept in a state of cleanliness and this is not the best interest of the community. The property could be put to a more worthwhile use.

The Committee reported that this was referred to the Commission since it was felt that the size of the lot included in the application should be reduced to include only the site of the grocery store and cafe, and some members felt that they would recommend "C-1" for the grocery store but not for the restaurant. Mr. Stevens reported to the Commission that the applicant has submitted a plat locating the grocery store and cafe building and according to this plat it appears that the west 75 feet of Lot 1 would cover the area required.

The Commission concluded that since the location of the building has been pinpointed to the 75 feet adjacent to Burnet Road the request should be granted in view of the fact that beer is already being sold in the grocery store portion. Therefore, it was

VOTED: To recommend that the request of F. J. Brockman for a zoning plan change from "C" Commercial to "C-1" Commercial for property located at the northeast corner of Burnet Road and Anderson Lane be DENIED, but that "C-1" Commercial be established for the west 75 feet of Lot 1.

AYE: Messrs. Barrow, Barkley, Chriss, Kinser and Spillmann

NAY: Mr. Brunson

ABSENT: Messrs. Baldridge and Lewis

C14-61-90 Billy Zidell: LR to C
E. 19th and Poquito Sts.

STAFF REPORT: This application is for a tract of land containing 19,000 square feet fronting 130 feet on 19th Street and approximately 150 feet on Poquito. The surrounding area is fairly well established and maintained. Under the "C" zoning 38 units would be permitted while under the present "LR" zoning 9 regular or 12 apartment hotel units would be permitted. 22 parking spaces would be required for 22 units or 1 each unit permitted. We feel that the present zoning is adequate; that the "C" zone is too intensive a classification, encroaching more into the residential area, and therefore recommend that this application be denied.

Mr. Zidell appeared and stated the following: We propose to erect an apartment hotel containing 22 units and have some final plans for the building. This would add to and enhance the entire neighborhood.

The Committee reported that it had discussed the location and development in the area and some members felt that this was in a well established commercial area and would conform with the policy of the Commission regarding logical extensions. Some members felt that the present zoning is adequate and that the "C" zone allowed too intensive a use, is separated from the existing "C-1" zone and is not an extension therefrom and thought it should be denied. It had then voted to recommend that the request be denied.

At the Commission meeting, the staff presented a letter from Mr. John Osorio (attorney) presenting additional information, including:

1. Mr. Zidell proposes to build a brick veneer luxury type apartment hotel each unit to contain two bedrooms and bath, at the approximate cost of \$150,000, and is ready to start construction immediately upon clearance from City authorities.
2. The proposed increase in intensity is not very great since the property contains 19,500 square feet, and this request does not call for an isolated zoning change as the tract adjoins commercially-zoned property.
3. Mr. Zidell does not believe it is economically feasible to construct the small hotel that is permitted and a 22-unit apartment hotel is deemed the minimum size for sound investment and to meet the housing demand in the area.
4. East Austin does not have any luxury type facilities to take care of its visitors. Holy Cross Hospital is located in the vicinity and an apartment hotel would meet the great need for nearby housing by families who have patients at the hospital.
5. The property is located on a main thoroughfare and would not create any traffic problem not already there.

C14-61-90 Billy Zidell--contd.

The Director recommended against granting this request not only because of increase in the intensity of apartments but because this area is approximately two half blocks of commercial area that was first zoned "C" Commercial some years ago and since has been increased to "C-1" and "C-2" but is used primarily as Local Retail. He said it is completely surrounded by residences throughout the area and he feels that any extension of Local Retail and "C" Commercial zoning along 19th Street would permit much more intensive apartment development.

The Commission considered the recommendation of the Zoning Committee and the Director. It was then

VOTED: To recommend that the request of Billy Zidell for a change of zoning from "LR" Local Retail to "C" Commercial for property located at the southwest corner of East 19th and Poquito Streets be DENIED.

AYE: Messrs. Barrow, Chriss and Spillmann
 NAY: Messrs. Barkley and Brunson
 ABSENT: Messrs. Baldrige and Lewis
 DISQUALIFIED: Mr. Kinser

C14-61-91 Ray Corbin: A to GR
 1109-1111 Anderson Lane

STAFF REPORT: This property is located between Watson and Gault Streets and the request is for the front portion, approximately 100 feet, of this property which fronts about 97 feet on Anderson Lane. The property south of Anderson Lane has been developed residentially for some time, mostly single-family homes. Across the street is a vacant tract of land and to the north-east is a strip of "C" Commercial zoning. This application constitutes a spot zone request and the Department recommends against it for that reason.

Mr. Corbin explained that he has lived here for 16 years and for the past 7 years has operated a TV shop in his home. He now wants to erect a building on the front of the lot, in front of the residence which is set back 100 feet from the street, for the operation of the TV repair shop and a real estate office. Mr. Corbin said Anderson Lane is a commercial street and if he had to locate the business elsewhere than on his own lot he would need additional help for telephones and other conveniences and he would not make a profit. Mr. Randy White (3006 Washington Square) and Mr. Homer Shaw (1113 Anderson Lane) appeared in favor of the request. Two replies to notice favoring the request were received for the reason that Anderson Lane is unsuited for residential and taxes on the property along it are very high.

Written opposition was received from Mr. and Mrs. Wernecke (7808 Watson Street) and Mr. Edwin G. Becker (1105 Anderson Lane) on the grounds that they bought homes in this area and this proposed change would detract from their living conditions, and they bought because this was residential. They said all lots in the immediate area south of Anderson Lane are occupied by residents except one vacant house.

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C14-61-91 Ray Corbin--contd.

The Commission reviewed the arguments presented and the staff report and recognized that this is a main thoroughfare but that this would be a spot zone and therefore should be denied. It was then unanimously

VOTED: To recommend that the request of Ray Corbin for a change in the zoning plan from "A" Residence to "GR" General Retail for property located at 1109-1111 Anderson Lane be DENIED.

ABSENT: Messrs. Baldrige, Brunson and Lewis

C14-61-92 Mrs. Charles Wolf, Trustee: C to C-2
2408 South 1st St.

STAFF REPORT: This property is south of Oltorf and is presently zoned "C" Commercial and has been for several years. To the north and east it is zoned "C", "C-1", "C-2", "GR", and "O". It is on the edge of the commercially developed property and next to the residential development. There is some question as to whether this request fits with the Commission's policy of being in the midst of a well developed commercial district.

Mr. Glenn Garner (agent) represented the applicant and explained that they propose a package store here, noting that there is a Town and Country drive-in grocery which sells beer adjoining Gillis Park across South 1st Street and also a "C-2" zone. He said the adjoining property is zoned commercial but developed with a residence. He felt that a clean "C-2" operation is sometimes more desirable than a "C-1" use.

A review of the staff report shows that there is not a vacant commercial building on the property and that the property on the west side of South 1st Street is zoned "C" and "C-1". The Committee felt that the request conforms to the Commission policy since this is a well developed commercial area and therefore unanimously

VOTED: To recommend that the request of Mrs. Charles Wolf for a zoning plan change from "C" Commercial and First Height and Area to "C-2" Commercial and First Height and Area for property located at 2408 South 1st Street be GRANTED.

ABSENT: Messrs. Baldrige, Brunson and Lewis

C14-61-93 Mrs. Anna Stasswender: A to C, 1 to 2
5009 Bull Creek Road

STAFF REPORT: This piece of property is located on Bull Creek Road at Hancock Drive. The Department feels that this is a logical extension of the existing zoning on Hancock Drive. The request is to extend that zoning 25 feet for a single site proposal. This approaches a residential area and we feel that some consideration of a buffer zone should be made for the adjoining property. As there is not a proposal to develop this property I call attention to a need by the City for 184 square feet of right-of-way at the corner to flare the intersection to make it adequate.

C14-61-93 Mrs. Anna Stasswender--contd.

Mr. C. B. Calahan, Jr. (agent) appeared for the applicant and said Mr. Stevens had explained the situation very clearly, this simply being a request for an additional 25 feet to be developed immediately as a parking area or future expansion of the service station.

Mr. Dan O'Connell (representing Texaco) said they did need this area for parking to better serve the community. Mrs. Anna Stasswender (applicant) and Mr. Tony Stasswender also appeared in favor of the request and replies to notice were received from two nearby owners approving the proposed change.

The Committee reported that this had been referred to the Commission because of the problems involved in the street intersection right-of-way.

Mr. Stevens reported to the Commission that he had been in contact with both Mr. Calahan and Mr. O'Connell regarding the property needed in relation to the curb line at the intersection and they had agreed to see if they could work out some details to accommodate the City on this. He noted that the City would need about 180 square feet in a triangular tract with 8 feet of frontage on Hancock Drive and 46 feet on Bull Creek Road. The persons involved, including the owner and applicant, agreed that something could be worked out regarding this property with the City.

The Commission reviewed the request and the statements presented. It was concluded that this would be a logical extension of the present "C" Commercial zoning and that the request should be granted with the understanding that the applicants have agreed to give a considerable amount of property to straighten out the intersection. Therefore, it was unanimously

VOTED: To recommend that the request of Mrs. Anna Stasswender for a change in the zoning plan from "A" Residence and First Height and Area to "C" Commercial and Second Height and Area for property located at 5009 Bull Creek Road be GRANTED, with the understanding that the applicants have agreed to give the necessary right-of-way for the straightening of the intersection of Hancock Drive and Bull Creek Road.

C14-61-94 Phillip Bashara and George L. Anderson: A to C-1
East 45th St. and Avenue H

STAFF REPORT: The application is for two lots fronting 115 feet on East 45th Street and 115 feet on Avenue H. Avenue H is dedicated but undeveloped on the ground. This property adjoins a "C" district which is developed residentially. This would be an extension of an existing "C" zone but we do not feel that "C-1" would conform with the policy of the Commission.

Mr. Bashara appeared for both applicants and stated the following: We applied for "C-1" for the purpose of selling beer to go in conjunction with a food pantry. There is a Gulf station across the street where it is zoned commercial and 60% of the block where we are asking for a change is zoned commercial.

Cl4-61-94 Phillip Bashara and George L. Anderson--contd.

cial. A food pantry would bring service for the people between Guadalupe and Duval where they could pick up refreshments, groceries, picnic supplies, ice cream, etc. A time will come when it will be developed commercially along here.

Replies to notice favoring the request were received from Mr. A. N. Reinert (4504 Avenue H), Mr. Lee R. Barton (3716 Robinson Avenue), and Mr. Gus Attal (3810 Avenue H).

Ten nearby owners appeared in opposition and written objections were filed by four owners. Reasons given may be summarized as follows:

1. The Elizabet Ney Museum is immediately adjacent to this property and is one of the showplaces of Austin. People from all over the United States and from some foreign countries come here. The property has been improved and is well maintained. A business selling beer this near would present the possibility of people drinking on these grounds and increase the problems of cleaning bottles, cans, etc. from the lawns. There is a hostess house which faces the property under consideration.
2. The lots are too small to provide adequate off-street parking and 45th Street has been designated as a thoroughfare. The intersection of 45th and Duval is destined to be the only significant bottle-neck and hazardous intersection because of the acute bend which will of necessity exist there. The proposed drive-in business will make this situation worse.
3. The whole neighborhood surrounding this area has been steadily improving as an attractive place to live and commercial enterprises should be limited as much as possible to areas where they will not diminish the recreational and residential character of the area. The proposed location would be an encroachment into a residential neighborhood. This property has been rented in the past and could be rented again with proper management and improvement. Also, the new Christian Church is located nearby.
4. Shipe Park is located about one block from this and children go there from all over the neighborhood. This would not be a desirable use near the park.
5. Beer is already available a block and a half southeastward at 43rd and Duval Streets. There is no need for it here. Also, there are numerous grocery stores in the area.

Mr. Joe Prowse, Jr., represented the Recreation Department and stated the following: From our standpoint I think it would be better if the people had to drink it on the premises, then they would have to handle their own problems. We realize that most of it goes home and is consumed in that way. We are trying to control the trouble at Shipe Park and do not want to aggravate it. We would probably have to take care of the off-premise consumption of those who only go a block to get it.

C14-61-94 Phillip Bashara and George L. Anderson--contd.

In response to the opposition Mr. Bashara stated that he owns three lots fronting about 165 feet on East 45th Street that would be commercial. He said the two houses he has are prefabricated and were moved on the lots and are badly in need of repair. He felt that some nice little shops could be developed that would render a service to the area. He noted that the Museum faces 44th and not 45th Street. He asked about the possibility of amending his request to call for "C" Commercial and omit beer but the Committee felt it would be better to withdraw the application in order to give opportunity for re-notice.

The Committee reported the following action on this request: The Committee recognized that this adjoins an existing "C" Commercial District but also that it is not well developed. Some members felt that this would be a logical extension. An oral request to amend this application to "C" was denied. The Committee then concluded that the request should be denied in view of the fact that this is not a well developed commercial area. It was therefore voted to recommend that this request be denied.

At the Commission meeting, the staff presented a letter from the applicants in which they agreed that this location may not be the proper one for the sale of beer and requesting that their application be amended to request "LR" Local Retail. The Commission considered this letter and, while it was learned that a re-hearing was not legally necessary, the members felt that one would be advisable since the people present at the hearing had said they would like some study of the request made at that time by Mr. Bashara for "C" Commercial. It was then unanimously

VOTED: To accept the request of the applicants that the application for "C-1" Commercial be withdrawn and it be considered for Local Retail.

It was further unanimously

VOTED: To instruct the staff to notify the property owners concerned that a re-hearing would be held on the amended request for "LR" Local Retail.

C14-61-95 Richard G. Avent: C to C-1
Manor Road and Maple Avenue

STAFF REPORT: This application is for eight small lots fronting on the south side of Manor Road. The tract is 200 feet wide by 153½ feet deep. It is presently zoned "C" Commercial and the proposal is to change it to "C-1" for the purpose of selling beer to go in connection with a drive-in grocery. The surrounding area is predominantly residential with the exception of along Manor Road which has mixed uses. This conforms with the policy of the Commission concerning "C-1" applications but it is felt that the application should be amended to include only the part of the property that the applicant needs.

C14-61-95 Richard G. Avent--contd.

Mr. Avent stated at the hearing that he purchased this property 11 years ago and nothing has happened in this area since that time. He now has someone interested in establishing a 7-Eleven store here which would be an asset to the area. There are quite a few people interested in this project and no one to his knowledge has any objections.

Reply to notice was received from Mr. A. D. Smartt (2917 Cherrywood Road) approving a change on the portion of the tract that is needed for the store.

A question was raised regarding the reason for including all 8 lots when the proposed store would only occupy a smaller space. In view of the confusion regarding the area needed the Committee had referred the request to the Commission pending clearance of this matter.

At the Commission meeting the staff reported that an error had been made and Mr. Avent had only requested a change on Lots 1, 2, 3 and 4. The Commission then discussed the request for these four lots and concluded that the proposed development would be the proper use of the property. Therefore, it was unanimously

VOTED: To recommend that the request of Richard G. Avent for a change of zoning from "C" Commercial to "C-1" Commercial for property located at the southeast corner of Manor Road and Maple Avenue be GRANTED.

ABSENT: Messrs. Baldrige, Brunson and Lewis

C14-61-96 Mrs. Edith Simpson, Exec.: A to B, 1 to 2
W. 19th St. and 1900-02 and Rear 1904-06 Cliff Street

STAFF REPORT: This is an L-shaped tract of land and the cliff line goes around the house that fronts on Cliff Street. At present both streets are undeveloped. 15 regular apartments or 30 units under an apartment hotel or efficiency type would be permitted. It is recommended that Second Height and Area be denied.

Mr. E. F. Simpson and Mrs. Edith Simpson (applicant) were present at the hearing but were represented by Mr. Edgar E. Jackson (agent) who presented the following information: This is a unique piece of property consisting of four lots originally fronting on Cliff Street. We have filed a short form subdivision providing a tract fronting 130 feet on Cliff Street with a depth of 94 feet. We are trying to utilize the land for its highest and best use and the property is too large to support one house on top of the hill. Not all of this 22,000 feet of land will be useful because of the terrain, and that is the reason for the Second Height and Area to permit more units on the usable area. The bottom part of this area will not be accessible by pedestrians from Cliff Street. Part of the driveway to the insurance office on Lamar Boulevard is over old 19th Street and the entrance to this property will be a continuation of this driveway from Lamar since it cannot be entered from Cliff Street.

C14-61-96 Mrs. Edith Simpson, Exec.--contd.

Seven nearby owners appeared in opposition and written objections were filed by three others. Reasons given included the following:

1. Because of topography, Shoal Creek Boulevard residents have not been disturbed by these development projects but those on the east have not escaped them. From time to time it has been necessary to keep this situation as it is. Here we have a bit of country in the city and we would like to have it preserved. We see no reason why home owners should be driven to suburbs to enjoy what they already have. It is not necessary to speculate about the effects of this development. The City granted permission for three apartments down the hill on Lamar and the applicants promised that parking would be provided but that has been most inadequate. Three apartments have at least 6 cars and sometimes 10 or 12 every day. Students have created disturbances at late hours. One night we were awakened three times, the third time at 4:30, by drunks creating nuisances under our windows. If 30 more apartments are allowed we will be between two fires.
2. (Owner of 1901, 1911 and 1913 Cliff Street) Because Cliff Street was a dead-end street the City required me to put in a turn around when I improved my property (which was zoned "BB" Residence before I purchased it), and people use West 22nd and Cliff Streets for parking and those occupying the apartments on Lamar Boulevard then use the pedestrian steps down the hill to the apartment and insurance building rather than use Lamar Boulevard and 19th Street. Therefore, cars are parked solidly along these streets most of the time.
3. We are home owners in this neighborhood and the petitioners do not live in this neighborhood and so escape the effects of the action they are proposing, whereas those who make their homes here will have to live with those effects. This property could be used for duplexes.
4. These streets are small and narrow and there is really a traffic problem on David and 22nd Streets. The area in the Carrington Division west of Leon Street is "A" Residence and home owners bought here knowing of this zoning.

At the Commission meeting, Mr. Stevens reported that since the recommendation of the Zoning Committee that the property be changed to "B" Residence and First Height and Area, he has checked the access that could be afforded this property and found that there is some tentative plan for the extension of 19th Street as an overpass over Lamar Boulevard and there is now a question of whether the property would have access in the future but no definite plan for this construction has been made. The Director said another problem is that this is a rather awkward piece of property since it is cut off from access to Cliff Street, being located on a hillside, and its only access is across West 19th Street to Lamar Boulevard. He noted that the plan for crossing Lamar Boulevard with an overhead structure was suggested several years ago but it has not been included in any Capital Improvements program

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C14-61-96 Mrs. Edith Simpson, Exec.--contd.

for the next six years. Mr. Cranfill said the residents of this area are aware of the proposed overpass and the difficulty of access to this property.

The Commission discussed the information presented and the problems involved. Mr. Barrow felt that if the City plans to do something with this street that affects people's property and the plans are indefinite, the owners should not have to wait for these plans before they can use their property. The Commission also considered the problem of access but recognized the fact that it does front on a dedicated street whether it can be used or not. It was felt that this property is separated from the residential area of those attending the hearing by a considerable cliff and that the property should be used for some purpose and the question is what is the sound and proper use of the property. Mr. Barrow noted that there is an office development across the street from this property now and he felt that office development next to apartment uses is sound development. With regard to access to this property either from Lamar Boulevard over 19th Street or from 22nd and Cliff Streets, Mr. Barrow felt that people would not go down Cliff Street to get to this property because of the steep hill.

The Commission then discussed the density permitted under the requested Second Height and Area District and concluded that the property should remain First Height and Area because of the density permitted and because this would create a spot zone in this area. It was then unanimously

VOTED: To recommend that the request of Mrs. Edith Simpson, Executor, for a change in the zoning plan from "A" Residence and First Height and Area to "B" Residence and Second Height and Area for property located at 1300-04 West 19th Street, 1900-02 and Rear 1904-1906 Cliff Street be DENIED; but that "B" Residence and First Height and Area be established for the property.

DISQUALIFIED: Mr. Brunson

C14-61-97 Vincent Farro: A to LR (as amended)
604 West Johanna St.

STAFF REPORT: This application is for one lot extending from the "C" Commercial along the west side of South 1st Street. The Department feels that the commercial property along South 1st Street has inadequate depth for good commercial development but that the present zoning and proposed zoning permits very intensive use. As the adjoining area to the west is zoned and developed residentially, the Department feels that any extension of the present zoning into the residential area should not be heavier than "LR", which would permit parking as proposed and give a more choice of location for the proposed commercial building.

No one appeared to represent the applicant at the hearing. Replies to notice were received from six nearby owners approving the requested change but expressing no reasons.

C14-61-97 Vincent Farrow--contd.

The Committee reported that it had discussed the development in this area and noted that the commercial zoning on South 1st Street is too shallow for good development. It was felt that "B" Residence would be sufficient if the zoning was for parking. Otherwise "LR" would be proper if the applicant wished to relocate the building. It was concluded that this request should be referred to the full Commission pending further study. This request was therefore referred to the Planning Commission without a recommendation.

At the Commission meeting, Mr. Stevens reported receipt of a letter from the applicant amending his request to ask for "LR" Local Retail rather than "C" Commercial. He explained that, although parking would be permitted in a "B" zone, the "LR" zoning would give him more choice of building location and would require less setback. The Commission then unanimously

VOTED: To recommend that the request of Vincent Farro for a change of zoning from "A" Residence to "LR" Local Retail (as amended) for property located at 604 West Johanna Street be GRANTED.

C14-61-98 L. C. Page: A & C to C, 1 to 6
N. Interregional Hwy. and Northeast Dr.

STAFF REPORT: This is a request to re-establish the "C" zoning lost as a result of the Interregional Highway and Northeast Drive acquisition. Part of the property is "C" Commercial for a depth of approximately 300 feet on Interregional. The Planning Department included an additional area for purposes of hearing, making a total of 27 acres in the two tracts. This will possibly affect other property in the area. Since the preliminary plan for the adjoining property shows a proposed street, we would recommend that the zoning of this property be postponed or held in abeyance until such time as the street plan is submitted to the Subdivision Committee.

Mr. Page stated at the hearing that he is only trying to establish what he already had two years ago prior to the establishment of Northeast Drive. He was joined by Messrs. N. J. Wonsley (309 Wonsley Drive) and R. R. Wonsley (3007 Stardust Drive) favoring the request and reply to notice was received from Mr. Watt Schieffer (1011 East 40th Street) who also favored the change.

The Zoning Committee reported that because of the problems involved it was felt that this request should be referred to the Commission without a recommendation until definite plans are presented, since the applicant has shown on plans for development.

At the Commission meeting Mr. Chriss expressed his feeling that zoning this tremendous amount of land affects the adjoining area and the streets and that the Commission should require specific information as to how this land is going to be developed. He noted that in view of the over-all plans for this area this zoning might create expense to the City to acquire land and develop streets through the area. He thought that since the zoning is not an absolute necessity to the owner at this time the request should not be granted.

C14-61-98 L. C. Page--contd.

Mr. Fowler stated that there is a considerable drainage problem through the area and it was his thought that the subdivision to the west discharges its water onto the property owned by the Seventh Day Adventist Church and from that point it goes on through this land and finally under the Interregional Highway. He suggested that it would be a good idea to consider the drainage problem and try to get it worked out in connection with whatever can be done on the property. The Director said this brings up the question of getting a plan for the area since the applicant has a considerable amount of land in the area and he or whoever might purchase the property or whoever contracts for development of the land should come in with a plan of development.

The Commission generally agreed that the request should not be granted. Mr. Barrow thought it is very important to know what is going to happen on the property before the zoning is changed and noted that there are problems still unsettled about it, including the drainage. He said he would not be in favor of zoning it for commercial uses until the proper time and a plan of development is presented. Mr. Kinser felt that the request should be granted to replace the property taken from the owner. The Commission then

VOTED: To recommend that the request of L. C. Page for a zoning plan change from "A" Residence and "C" Commercial to "C" Commercial and from First Height and Area to Sixth Height and Area for property located at the southwest corner of North Interregional Highway and Northeast Drive be DENIED.

AYE: Messrs. Barrow, Barkley, Chriss and Spillmann

NAY: Mr. Kinser

ABSENT: Messrs. Baldrige, Brunson and Lewis

C14-61-99 Harry Goldstein: C to C-2
5134-5136 Burnet Road

STAFF REPORT: This application is for a change from "C" Commercial to "C-2" Commercial to sell beer in connection with a night club. It is located north of Hancock Drive on Burnet Road and at the present time is developed as a sporting goods store. This request conforms to the policy of the Commission regarding "C-2" zoning and the Department recommends that it be granted. There is a parking problem as the only parking now is head-in parking from Burnet Road. There is no control over the parking at present but in developing for a night club they will be required to meet the minimum off-street parking requirements.

Mr. M. Laskey (agent) represented the applicant but stated he had nothing to add to the staff report.

Reply to notice was received from Mr. C. D. Shafer (5126 Burnet Road objecting to the change and requesting that it be kept "C" Commercial.

C14-61-99 Harry Goldstein--contd.

The Commission discussed the development in this area and felt that the request conforms to the policy of the Commission, this being in a well developed commercial area. It was therefore unanimously

VOTED: To recommend that the request of Harry Goldstein for a change in the zoning from "C" Commercial to "C-2" Commercial for property located at 5134-5136 Burnet Road be GRANTED.

ABSENT: Messrs. Baldridge, Brunson and Lewis

C14-61-100 Mrs. C. A. Schutze: C to C-1
Red River and E. 19th Sts.

STAFF REPORT: This is a small lot of about 8250 square feet. This area has been zoned and developed residentially, with both single-family and duplexes, for a number of years. We feel there is a question as to whether this request conforms to the policy of the Commission.

Mr. Marvin B. Braswell (agent) represented the applicant and presented the following information: We have secured two leases, one to a nationally-known drive-in grocery and one to a cleaning and laundry business. The remainder of these lots was not needed, and therefore these were not included in the application. Most of the area around the property is owned by the State and the University. The area is in a transition period, going to multi-family uses. It seems if we put in this type of development it will be a convenience to the area. Beer will be sold in 6-packs for off-premise consumption. There will be no consumption on the premises. The front door of the University Junior High School at the present time is about 600 feet from our front door and I do not think that anyone working in the store would mistake one of these children for a person old enough to buy beer.

Mr. Lothar Tampke (1907 Sabine Street) opposed the change for the following reasons: The main problem is the possibility of beer across from the Junior High School. I have three children that attend University Junior High School. The Principal says they are going to locate a mobile unit directly in front of this property in question.

The Commission noted that the area to the south which is used by the University is a blighted industrial area (Little Campus), that there is a storage warehouse on the other corner and University Junior High School across the street, but the area surrounding this property is residentially developed. It was concluded that this is not a well established commercial area and that this is not the proper zoning and does not conform to the theory of the Planning Commission, and that this is a very heavy traffic artery and intersection. Therefore, it was unanimously

VOTED: To recommend that the request of Mrs. C. A. Schutze for a change of zoning from "C" Commercial to "C-1" Commercial for property located at the northeast corner of Red River and East 19th Streets be DENIED.

ABSENT: Messrs. Baldridge, Brunson and Lewis

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C14-61-101 Frank R. Rundell: A to B
Avenue A and W. 44th St.

STAFF REPORT: This is a one-site application to permit the addition of a third unit to the present two dwellings on the property. The area to the east is predominantly residential while the property on the west along Guadalupe is commercial. It is recommended that this request be granted.

Mr. Rundell appeared at the hearing and stated that he has purchased this corner tract and there is a small house in the northeast corner. He said anything built there would be attached to the present building.

The Commission felt that this would provide a buffer zone between the "C" Commercial and "A" Residence zones. Therefore, it was unanimously

VOTED: To recommend that the request of Frank R. Rundell for a zoning plan change from "A" Residence to "B" Residence for property located at the southwest corner of Avenue A and West 44th Street be GRANTED.

ABSENT: Messrs. Baldrige, Brunson and Lewis

C14-61-102 Frank R. Rundell: A to B
East 21st St. and Alamo St.

STAFF REPORT: The area is predominantly single-family homes. "B" Residence would permit 19 patients in a rest home or apartments containing 9 units. The staff feels this would be a spot zone in a residential area.

Mr. Rundell appeared at the hearing and stated the following: My client purchased this corner property with the intention of putting a rest home here and then found out it was not properly zoned. The area is blighted with two old houses. He plans to replace them with a nice building. Personally, I don't think it would hurt the neighborhood. He proposes to use the property for its best use and this would be an improvement to the area.

Written objections were received from six nearby owners who wanted this area to remain "A" Residence, one stating that if this is granted it is easier to get other changes to less restrictive zones.

The Commission felt that the request should be denied because this would be spot zoning in a residential area. It was therefore unanimously

VOTED: To recommend that the request of Frank R. Rundell for a change in the zoning plan from "A" Residence to "B" Residence for property located at the northwest corner of East 21st and Alamo Streets be DENIED.

ABSENT: Messrs. Baldrige, Brunson and Lewis

DISQUALIFIED: Mr. Kinser

C14-61-103 A. P. Montgomery: A & Interim A to C, 1 & Interim 1 to 1
8330-8416 Burnet Road

STAFF REPORT: This application is for a piece of property of about 11 acres of which about the east 150 feet is inside the city limits. The property goes from Burnet Road approximately 1000 feet back to an existing residential neighborhood fronting on Stillwood. The property on Burnet Road is mostly undeveloped. There is a furniture store and nursery stock to the south. The Department feels that a street plan should be submitted with this request and has prepared a plan suggesting a street pattern for the area in relation to the existing street pattern. A preliminary plan should be submitted to the Subdivision Committee.

Mr. Frank Knight (agent) represented the applicant and presented the following: We feel this is a request for the highest and best use of this property. At the present time to the south there is a warehouse and an industrial development. On Burnet Road there is adjoining commercial development on the south. This property backs up to a residential development. An annexation request has had a first hearing before the City Council. We do not object to the street itself and if you need this area we have no objection. If right-of-way is required, we would agree with it providing they would follow the property line and not take 40 feet from the property.

Mr. Sam Robinson (8518 Burnet Road) appeared in favor of the zoning change and reply to notice was received from Mr. George G. Montz (2304 Doris Drive) also favoring the request.

The Zoning Committee reported that it had considered the size of this tract and felt that the zoning change would definitely have an affect on the homes which back up to the property. It was then referred to the Commission without a recommendation.

The following points were brought out by the staff at the Commission meeting:

1. The question of whether or not this is the proper zoning with or without regard to the street layout. If any portion of this is to be considered sound zoning, then the street question is involved. If any portion is considered sound zoning the whole application is too excessive and premature at this time in view of the proposed streets, primarily the one running east and west from the existing Northtowne subdivision to Burnet Road.
2. In addition, there is the undeveloped property to the north and the partially developed area to the south. The granting of this zoning application at this time would leave a very questionable situation of whether or not the street would be extended and what would be the ultimate zoning of the adjacent property.
3. This is a very deep piece of property, being much deeper toward the residential area than it is wide. It is not in line with the present development along Burnet Road.

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C14-61-103 A. P. Montgomery--contd.

4. There is a disagreement between the staff and the representative of the property as to which should come first -- development of the streets or development of the land. We feel that the development of the streets should come first. We have reached a tentative agreement on the streets but nothing regarding water and sewer lines or paving. We generally prefer to have the zoning and the subdivision considered at the same time. The last information from Mr. Wendlandt was that they had no definite development proposed for this land and they had no plan for a street. It is the idea of the Department that they should have a plan and an agreement that they would develop this street when the property is developed.

The Director announced that at the present time he would have to recommend that the request be denied primarily on the basis that it does not present any plan for the ultimate development in conjunction with a subdivision or a plan. Mr. Wendlandt said they had received no objection from the Northtowne Company or the owner to the north. Mr. Stevens explained that the Northtowne Company is still shown as the owner on the tax records and was the only one notified there although the lots backing up to this property have been sold and developed.

The Commission generally agreed that the zoning adjacent to Burnet Road would be in line with what has usually been recommended on this street but that the tract is too deep for commercial to be considered its highest and best use and the rear portion would be an encroachment into the "A" Residence area. For these reasons, it was unanimously

VOTED: To recommend that the request of A. P. Montgomery for a change of zoning from "A" Residence and Interim "A" Residence to "C" Commercial and from First and Interim First Height and Area to First Height and Area for property located at 8330-8416 Burnet Road be DENIED.

DISQUALIFIED: Mr. Barrow

C14-61-108 Planning Commission Area Study: A, B & O to O, 1 & 2 to 2
East side 1300 through 1800 blocks West Ave.

STAFF REPORT: Because of recent zoning changes along West Avenue on West 14th, West 17th, and West 19th, and two pending applications, the Planning Commission felt that the area from Austin High School to West 19th Street should be studied and considered for a possible change to "O" Office and Second Height and Area or some more restricted classification. The area has mixed uses but still contains residential characteristics. The Department recommends that it be established "O" Office and First Height and Area because of the requirement of a 25-foot setback to protect somewhat the "A" Residential along the west side of the street. "B" Residence zoning would be an alternate proposal but would also permit or create about the same amount of traffic as "O" Office.

C14-61-108 Planning Commission Area Study--contd.

The following persons appeared in favor of the change to "O" Office:

Jack Sparks (attorney for Mr. Jim Novy) and Mr. Novy
 H. C. Byler (5804 Trail Ridge Drive)
 Mr. Garner (17th and West Ave.)
 Mrs. Sophie Winfield (1909 Rio Grande St.)
 A. D. Smart (1701 West Ave.)
 Mr. and Mrs. Lloyd A. Doggett (1402 West Ave.)
 Jack Wilcott (411 West 13th St.)

Written comments were received from the following who favored the change:

Dr. James D. Glynn (2404 Tower Drive)
 Charles A. Burton (615 West 19th St.)
 W. C. and Stella B. Schulle (2501 Schulle Ave.)
 Claud A. Martin (1301 Rio Grande)

Reasons given for the approval included:

1. This area can no longer be considered desirable for residential purposes. "O" Office is justified for the benefit of the present property owners. There are medical and dental clinics, many apartment houses, fraternity house, insurance offices, schools and churches. Many of the old homes are not now well maintained.
2. It would be possible to have apartment houses in the "O" Office zone, while if they were built in the present "O" zone this area would remain as it is without improvement. The property value is too high for maintenance as homes.
3. It is not feasible to build without Second Height and Area which limits the number of apartment units, the height and the parking area. The value of the land prohibits smaller development.
4. It would be a great convenience for the property owners to have it all zoned at one time rather than by individual applications as has been necessary in the past.

The following persons appeared opposing the change:

Mrs. George Shelley (1700 West Avenue) and George Shelley, Jr.
 Will Garwood (representing Mrs. J. W. Scarbrough, 1801 West Ave.)
 John H. Childs, Jr. (1606 West Ave.) also for his parents and Miss Caroline Davis, 1608 West Ave.)
 Mrs. R. G. Mueller and R. G. Mueller, Jr. (1400 Ave.)
 Mrs. W. B. Shoe (412 West 16th St.)
 Wallace H. Flatt (807 West 16th St.)
 R. H. Dear (1707 Pearl St.)
 Reverend Charles A. Summers (1603 Pearl St.)
 Mr. and Mrs. Max Bickler (901 West 16th St.)
 Mr. Denner
 W. L. Smith, Jr. (1600 Rio Grande)

C14-61-108 Planning Commission Area Study--contd.

Robert G. Mickey (1504 West Ave.)
Mrs. Harry Bickler (903 West 16th St.)

Written objections were received from the following:

Mrs. W. B. Shoe (712 West 16th St.)
Dr. and Mrs. R. Berezovytch (1510 West Ave.)
Mrs. K. C. Miller (1500 West Ave.)
Miss Elaine C. Thompson (1703 West Ave.)
Mr. and Mrs. Samuel W. Mickey & Robert G. Mickey (1504 West Ave.)

Reasons for the opposition may be summarized as follows:

1. This is an area of homes and ideally located as such. It is one of the few remaining pretty home sections and areas in the old City. It is ideal for a living area, with its convenience to schools and churches and general comforts. Residents live here comfortably without having to be shut in. The proximity of this area to both the Austin High School and the Pease Grade School makes it most desirable as a residence area, while an office or business area, so close to the schools, is anything but wise or appropriate. This area is not in a period of transition and should be left alone for a few years. It is not time for a change to come into the area. Arguments that property values would appreciate from the proposed zoning change are of no importance to the senior citizens in this neighborhood. The real value of the neighborhood to its residents is the comfort and serenity of its homes. The majority who would be affected by the proposed zoning change have been residents of this neighborhood for many, many years. Their contributions to the growth of Austin and the preservation of its charm would be poorly rewarded with the erection of commercial structures in this area at this time.
2. The number of cars on this already very busy West Avenue would be greatly increased as well as these driving in and out of parking places. West Avenue is a steep hill from 12th on up to 19th, which has a dead-end into 19th Street. It would create a most serious traffic problem as well as a bad safety hazard, not only for the school children and home residents, but for the entire neighborhood as well as the many through cars driven on West Avenue. The traffic is heavy now, and there have been frequent accidents on and up this hill.
3. Parking has reached the saturation point in this area. The area around Austin High School is zoned 20 miles per hour. Parents have to let their children out several blocks away because they cannot get up to the school. Some students park all the way up to 17th. There is the Enfield shopping center, businesses on Lavaca and 19th Street to the north, and large apartment houses on Rio Grande, all of which cause traffic congestion.
4. A few years ago this entire area was considered fully by the Council and the decision was made to change the area on Rio Grande, with the west side of Rio Grande being the dividing line, to "O" Office but it

C14-61-108 Planning Commission Area Study--contd.

was made clear then that the area to the west of the dividing line was and should remain "A" Residence. There is still available vacant property in that area for "O" Office development. Mixed residential and business uses cheapen the entire area.

The Committee reported that this had been referred to the Commission without a recommendation because of the ideas brought up by various members which needed further consideration and study.

The Commission then considered the various zoning changes that have been made and the applications which were withdrawn pending a study of this area. Also considered was the difference in the number of apartment units permitted under First and Second Height and Area classifications.

Mr. Barrow mentioned that it was his opinion when the "O" Office area was established east of West Avenue that it should be extended to take in this property instead of breaking the block. He suggested the possibility of acting on the individual requests and waiting for further applications as the demand arises. The Director noted that this would definitely be spot zoning. Mr. Barrow was of the opinion that it would rather be an extension of the zoning along Rio Grande but the Director thought this would be different from other locations where the existing zoning is extended to deepen the area since a majority of the property along West Avenue is similarly developed and the zoning change of one lot would inject another zoning category into the middle of a block to permit a different type of use than that surrounding it, thus giving one property special benefit.

Mr. Osborne said you have the question in this area extending from the Austin High School to 19th Street with very similar development on the east side as exists on the west side but with considerable change in the quality and character of development on the west side. He thought it would be entirely proper and very desirable for the Commission to recommend on the entire strip of land rather than on individual cases which would result in having one tract "O" Office and First Height and Area, with a mixture of piecemeal zoning. Mr. Barrow said some of the development will be controlled by another consideration and the congestion that is created by building these apartments with as many units as would be permitted is generally unsound. He said he could not see the necessity of zoning it all at this time. Mr. Barkley said he did not feel it would help to rezone it. Mr. Kinser thought the "O" zoning should extend to West Avenue rather than the middle of the block as he has always thought. The Commission did generally agree that First Height and Area should be retained to control the density of any apartment development in the area. It was then

VOTED: To recommend that the property on the east side of West Avenue, including the 1300 block through the 1800 block, be changed from "A" Residence, "B" Residence, "O" Office, First and Second Height and Area to "O" Office and First Height and Area.

AYE: Messrs. Chriss, Kinser and Spillmann
 NAY: Messrs. Barkley and Barrow
 ABSENT: Messrs. Baldrige, Brunson and Lewis

SPECIAL PERMITS

CP14-61-7 Mrs. M. F. Thurmond: Service Station
Red River and E. 41st Sts.

STAFF REPORT: The Building Inspector has stated that this area is zoned "O" Office and First Height and Area which requires a 25-foot setback from the front property line instead of the setback shown on the site plan, that signs of the type shown on the plan are not allowed in "O" Office, that a variance from the Board of Adjustment must be obtained if signs are to be installed as shown, and that a six-foot fence must be erected where the property adjoins "B" Residence or more restricted property, and that a short form subdivision is needed for the property shown on the site plan. A service station is permitted in an "O" Office District when it adjoins a less restrictive zone and as the "O" Office District is across the street from a "GR" zone a service station is permitted on this property under a special permit; however, the "GR" District is undeveloped and the developed area to the south of this property is primarily single-family residential in character. It has no commercial pattern established in the area although there is commercial zoning across the street and, therefore, the granting of a permit for the service station in the "O" Office District at this time without such a pattern would be creating a retail zoning classification for this property.

Mr. Robert Sneed (attorney) represented the applicant and presented the following:

1. As far as the request is concerned, it is for purposes of proper planning and it shows an area given to the City of Austin for the widening of Red River Street south from 41st Street as required when the property was zoned "O" Office. We ask that this issue be decided not on the immediate development of the Hancock tract but by the recommendation of the Planning Commission when the property was zoned "O" and "GR" was established on the Hancock tract. Development of the commercial area is lagging because of the tremendous time it takes to complete plans for developing the Hancock tract by Sears.
2. There is no difference in this and the zoning and development of Capital Plaza in its ultimate stages of development. There are filling stations all around Capital Plaza and inevitably you will have filling stations all around the Sears tract. This property is on the corner and served with adequate streets. With regard to the fence required, it would be better to have a planted hedge but either one would be adequate to shield the residential property from the commercial development.

Mr. Dan O'Connell, Jr. (5905 Bullard Drive) and Mr. R. E. Metzler (3902 Seiders, Apt. #1) appeared favoring the proposal but no reasons were given.

Mr. Harry M. Gilstrap (905 East 51st Street) appeared in opposition and written objections were received from Mr. Lynn W. Storm, Sr. who lives in New Mexico and who was represented at the hearing by Mr. J. B. Langston. Reasons given were:

CP14-61-7 Mrs. M. F. Thurmond--contd.

1. This filling station would hurt the residential value of property next door. It would bring noise and confusion and some danger, also some offensive odors and menace to health to the nearby residents. Mr. Gilstrap thought the property would be more suitable for a drive-in grocery or something with "C-1" zoning.
2. Mr. Storm said he felt the area as far north as East 51st Street should remain restricted to residences and he supposed it would remain so when he bought his property.

The Commission felt that this application is premature and that the request would not have been filed for a filling station unless they anticipated that the commercial area would be developed by Sears. In view of the undeveloped commercial areas in the vicinity, it was concluded that the request is premature and should not be granted. Therefore, it was

VOTED: To DENY the request of Mrs. M. F. Thurmond for a Special Permit to erect a service station at the southeast corner of Red River and East 41st Streets.

AYE: Messrs. Barrow, Chriss and Spillmann

NAY: Messrs. Barkley and Kinser

ABSENT: Messrs. Baldridge, Brunson and Lewis

CP14-61-8 Floyd Hale: Sale of Boats and Motors
 4206 Duval St.

STAFF REPORT: The Building Inspector has stated that the proposed layout is okay if all boat display area is surfaced in accordance with off-street parking regulations. This is the last commercial lot in this community center and adjoins residential property to the south. The uses as proposed would overcrowd this small lot and the staff feels that the application should be denied. The reason for the application is that the applicant started selling boats without knowledge of the Ordinance requirements. There is a question of whether or not he will have adequate off-street parking space because the boats are now stored in the parking area.

Mr. Floyd Hale (applicant) was present but was represented by Mr. Charles Schnabel (agent) who presented the following information: Mr. Hale has lived here for two years. He did watch repairing and his wife did dress alterations but has discontinued this work because of her health and her need for an operation. Mr. Hale is not in very good health. He has improved the property and provided a parking area in front which he will move to a paved parking area on the side. There is no flooding or drainage problem and there will be no noise added to the present operations. The side area parking will serve to keep down congestion in front. In summary, the boat business is here to stay. Mr. Hale proposes to change the front of the house to give it an appearance of a business establishment and if this request is granted he will make further improvements.

CP14-61-8 Floyd Hale--contd.

Mr. Hale presented a petition signed by 15 persons who favored the granting of this Special Permit.

Mr. John Mannix (4200 Avenue H) appeared in opposition for the following reasons: I feel that this is an encroachment on the neighborhood. As for Mr. Hale's representation that the boat business is here to stay, it might also apply to a used car lot which we would not like to have in the neighborhood. There are plenty of other places where that use could be located. This house adjoins the cleaner's business and has been damaged as a residence and we can see that they would have to make something out of it by a business operation. If it were a boat shop I would rather have it look like a building than half boat shop and half house.

Mr. Richard N. Mannix (4201 Avenue H) also appeared in opposition but stated no reasons. Additional objection was filed by Mr. Carl C. Hardin, Jr. (attorney) representing Mrs. W. G. Clarkson, 4202 Duval Street and owner of lots immediately south of the property under petition. He presented pictures of the present conditions on the premises and stated the following information:

1. On April 27, 1960, the applicant obtained building permit No. 76,035 to enclose his front porch so that the premises could be used for the business of watch repairing.
2. The applicant has been using and is continuing to use this property contrary to the duly adopted ordinances of this City, and now this same applicant requests that this Commission legalize his present continued illegal use of the premises at 4206 Duval.
3. Your attention is called to the petition filed by the applicant containing 15 signatures; all but 5 of these are currently engaged in commercial activities in this area. Mrs. Clarkson earnestly requests that this Commission refuse this application.

The Committee reported that this request was referred to the Commission pending further study.

The Commission reviewed the report of the Building Inspector and the staff and also the site plan. Mr. Stevens submitted the following comments on the site plan:

1. This property is not properly screened from the residential area. A 4-foot fence does not adequately screen the activities and it is not a solid fence.
2. The outboard motor display and storage area is located only 3 feet from the south property line next to the residential lot.
3. If any motor demonstrations are made the noise will be obnoxious to the adjoining residential area.

CP14-61-8 Floyd Hale--contd.

4. If any fuel is stored or used at this location a fire hazard will exist.
5. Access to the motor and storage display space is obstructed by the boat display area or must be made from the alley which is the dividing line between the subject tract and residential development.
6. The area reserved for off-street loading is not shown.
7. The location and size of points of ingress and egress are not shown.
8. The ratio of parking space to floor space is not shown.
9. The plan does not meet the requirements for other technical data.

Mr. Stevens said he feels there are too many uses on the property and that this request should be denied. The Commission agreed that this is too intensive use of the property and constitutes a hazard to the public. Therefore, it was unanimously

VOTED: To DENY the request of Floyd Hale for a Special Permit for the sale of boats and motors at 4206 Duval Street.

ABSENT: Messrs. Baldridge, Brunson and Lewis

ZONING CASE FOR PUBLIC RECONSIDERATION

Cl4-61-67 A. M. Rundell: A to BB (as amended)
Sunnyvale St., Elmhurst Dr., S. Interregional Hwy.

DIRECTOR'S REPORT: This has been referred back to the Planning Commission by the City Council based on the modification of the original request reducing the amount of the area of the application from about 1 block to approximately $\frac{1}{2}$ block. This is for the purpose of erecting multiple-unit apartments. The property included in the revised request is the property fronting on the Interregional Highway between Sunnydale and Elmhurst, being approximately 22,000 square feet of land area and covering approximately 3 or 4 lots. The land is presently undeveloped. The original application was recommended against because it was spot zoning, it would create an encroachment into the area of residential zoning and would increase the traffic on the side streets. I think the present application still has the same qualification and is a spot now, and I think it is a matter of what the ultimate zoning should be there. I think the presence of "BB" or similar zoning would make it very likely that other zoning cases would come in if this were granted and so we would recommend against this request.

Mr. Kinser felt that this is a logical application and that the property is more suitable for apartment house use than commercial which it will be some time if the property is now left zoned "A" Residence. Mr. Spillmann noted that other "BB" and "B" zones have been created in the area and he felt this

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C14-61-67 A. M. Rundell--contd.

should be granted since it is on the Interregional Highway and is not suitable for "A" Residence. Mr. Barrow favored the change but felt that the whole block should be changed. The Commission then

VOTED: To recommend that the request of A. M. Rundell as amended for a change of zoning from "A" Residence to "BB" Residence for property located on the east side of the Interregional Highway between Elmhurst Drive and Sunnyvale Street be GRANTED.

AYE: Messrs. Barkley, Barrow, Kinser and Spillmann

NAY: Messrs. Brunson and Chriss

ABSENT: Messrs. Baldridge and Lewis

R146 SUBDIVISION COMMITTEE

The Committee chairman submitted the minutes of the Subdivision Committee meeting of June 12, 1961 (which were not ready for submission at the last Commission meeting). The staff reported that no appeals had been filed for review of the Committee's action but that 3 cases had been referred to the Commission without action and had been considered by the Commission at its meeting of June 20, 1961. The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of June 12, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-58-44 Manor Hills, Sec. 11A & 11B, Revised
New Manor Rd. and E. 51st St.

The staff explained that this is a commercial and multi-family dwelling plan; for apartment house development, with a four-unit apartment on each lot, and that the preliminary plan for the other part of this property provides for a commercial site and for 51st Street. The Telephone Company has requested that the 10-foot easement marked public utility easement be changed to Southwestern Bell Telephone Company easement. They have also issued a written statement as follows:

All restrictions outlined in the recorded easements for buried Southwestern Bell Telephone Company and American Telephone and Telegraph Company cables in this subdivision will be strictly adhered to, and the developer or owner must make satisfactory arrangements with the Telephone Company for lowering this cable.

No alterations, changes or rearrangements within this easement shall be made by any parties directly or indirectly involved without a representative of the Telephone Company present.

The Electric Department reported that other electrical easements will be required. Mr. Clifford Coffman (engineer) stated that in order to

C8-58-44 Manor Hills, Sec. 11A & 11B--contd.

comply with the Telephone Company requirements, one lot will be eliminated on the final plat and the Ohio Court cul-de-sac will be moved northward.

Comments of the Planning Department included the following:

1. The commercial lot as indicated is of undesirable proportion as the depth proposed may result in an awkward parking layout. Therefore, the plan should be modified or a plan showing an acceptable commercial layout should be submitted for approval. Residential development of the entire area would better utilize the property since commercial development has already been proposed immediately north of East 51st Street. With the shallow depth there will probably be head-in and -out parking which cannot be controlled under the present regulations. The Director said it is possible that restrictions can be included under the new Zoning Ordinance. Mr. Stevens said the staff would like to see a layout of proposed commercial development and presented a sketch showing how the property could be developed without having the strip commercial on Manor Road.

Mr. Frank Barron (subdivider) explained that there is a demand for small buildings along Manor Road as shown by the fact that present tenants of his property at another location have used only a small portion of the 20' x 50' buildings and are not using the rear portion. He plans to have buildings 40 feet in depth, which he would have on the other property if he could start over, and that is the reason for the shallow depth of the commercial area as shown.

2. Consideration should also be given to the possibility of developing apartment dwelling groups rather than individual apartment sites as parking facilities and usable open areas are both difficult to handle on individual sites. This would be better for parking facilities.

Mr. Barron stated that he is really thinking of triplexes rather than 4-unit apartment houses, and he would provide one driveway on each lot, two parking spaces for each individual apartment unit, with parking area on the front of each lot but with access only from the driveway and not directly from the street. He said under this plan he could sell individual units rather than the entire development like he has across Manor Road.

Mr. Stevens advised the Committee that there is an application for zoning the entire tract "GR" General Retail. Mr. Osborne said this can be worked out with the land development.

The Committee noted the above information and then

C8-58-44 Manor Hills, Sec. 11A & 11B--contd.

VOTED: To APPROVE the plan of MANOR HILLS, SEC. 11A and 11B, REVISED subject to the following requirements:

1. Showing of the necessary easements and satisfactory arrangement between the Telephone Company, the developer and the City, and
2. Compliance with departmental requirements; and

to put the subdivider on notice that off-street parking on the property would be more satisfactory than on the cul-de-sac streets.

C8-59-40 University Hills, Sec. 3
Loyola Dr. and Manor Rd.

The staff explained that this is a modification of the original preliminary plan of which one section has final approval. It was reported that the Water and Sewer Department has stated that a portion of this subdivision is included in Water District No. 8 and must be so noted on any final plat, also that the owners must secure from the District permission for the City to serve this portion with water or make arrangements for de-annexing the area from the district, including making any necessary payments to the district.

Mr. Jeryl Hart (Marvin Turner Engineers) said a statement would be included on the final plat the same as the previous plat stating that "It is specially provided that no lot in this subdivision shall be occupied until water satisfactory for human consumption is available from a public utility source in adequate and sufficient supply for family use. This restriction is enforceable by the City of Austin or the owner of this subdivision". Mr. Fowler stated that a statement on the plat listing all taxing units would be required also. Mr. Hart agreed and stated such a listing would be placed on the plat.

It was further reported by the staff that other departments had requested additional easements and other plan changes. The staff then presented the following recommendations which were discussed:

1. A boundary survey of the entire area is required. Mr. Hart said the boundary line was shown on all of the area except where this abuts other land owned by the subdivider. He said they have never surveyed the center of the creek but on the final plat these subdivisions will have definite survey lines, but they felt that this was a reasonable variance to request since all of the abutting property is owned by Mr. Stanford except where the boundary lines have been shown. Mr. Osborne felt that this could be approved as long as the property is under the same ownership. Mr. Fowler said that the Public Works and Water and Electric Departments would probably

C8-59-40 University Hills, Sec. 3--contd.

have something to do with the centerline of that creek, but as far as he was concerned as long as it is established prior to the final plat he saw no objection from the Legal Department, but they would urge that it be done on the final plat.

2. A check with the Austin Public School System revealed the possibility that the school site as proposed may not be acquired; therefore, the plan for the area north of Susquehanna Lane should be omitted until an alternate residential layout is submitted. Mr. Stevens said they have shown on the revised plan submitted at noon a possible division for residential development and in addition have provided a collector street 60 feet wide. He said the staff felt that this collector street should not funnel traffic into the residential street as proposed and there is still a question as to what will be needed in the way of a collector street since the Anderson Lane thoroughfare will be about 200 feet to the north and it might be possible to work out an arrangement north of Susquehanna. Mr. Hart said Mr. Stanford thought the thoroughfare would take a corner of his property. He said the collector street could be shifted to make a "T" intersection and Mr. Osborne asked that this street problem be worked out before the final plat involving this street is submitted. Mr. Hart said they had submitted a final plat on the modified plan but it will not be affected by this intersection.

The Committee then

VOTED: To APPROVE the plan of UNIVERSITY HILLS, SEC. 3, subject to the following conditions:

1. Showing all necessary easements on the plan,
2. Working out of the street plan and intersection at Susquehanna Lane by the developer and the staff, and
3. Compliance with departmental requirements; and
4. Listing of all the taxing units on the final plat; and

to notify the subdivider that when the final plat is filed the boundary line on the north shall be determined by metes and bounds before it is considered by the Planning Commission.

C8-61-12 Highland Medical Center
Hancock Drive

It was reported by the staff that the preliminary plan submitted is in accordance with the agreement of the Planning Commission May 31, 1961, except for the following:

C8-61-12 Highland Medical Center--contd.

A building permit was issued on January 27, 1961, for the "Proposed Building" of the American Cancer Society as shown on plan, and the building is under construction at the present time. The layout inspection made by the Building Inspector shows the building to be located three feet west of the common lot line of Lots 1 and 2, Newton and Lucy Addition. Also the building permit shows that the six parking spaces immediately west of this building are required to meet the off-street parking requirements for this building, and are not to be used for parking requirements in connection with proposed development of this subdivision and, therefore, should not be shown as a part of Lot 9 of this subdivision. It is recommended that the south line of Lot 9 terminate at a line three feet north of the building under construction and three feet north of the north line of the six proposed parking spaces. This would eliminate the area the building and the required parking spaces are located on from this plan.

Mr. Gerald Williamson (Marvin Turner Engineers) stated that these off-street parking spaces and the area recommended would be eliminated from Lot 9 on the final plat.

It was further reported that the engineers are requesting a variance from the Ordinance to permit the final plat to be shown on a larger scale since the required 1" - 100' scale would obliterate the information necessary on the plat, but a 1" - 50' would be better.

The Director suggested that parking for the proposed pharmacy on Lot 9 could be required separate from the general parking area for the other lots. The Committee then

VOTED: To APPROVE the plan of HIGHLAND MEDICAL CENTER subject to the following conditions:

1. Termination of the south line of Lot 9 at a line three feet north of the Cancer Society building under construction and three feet north of the north line of the six proposed parking spaces,
2. Provision for adequate parking on Lot 9 for any structure or any use on that lot, and
3. Compliance with departmental requirements;

and to grant a variance from the Subdivision Ordinance to permit the final plat to be drawn on a 1" - 50' scale.

C8-61-20 Town Lake Edgewater Estates
Lake Austin Blvd. E. of Arlington St.

The staff reported the following requests from other Departments: Easements needed by Electric Department and Telephone Company; Storm Sewer Department: Show easement for creek; elevation of culvert flow line and disposal of drainage. Channel relocation or retaining wall protection needed for street at southwest corner of Lot 3. Show how drainage will be provided for street at northeast corner of Lot 5. Structure will be needed for creek crossing at northwest corner of Lot 5. Public Works Department requests that elevation tie to City Standards or USGS be shown. The staff noted that contours shown are assumed contours and are not tied to City Standards or USGS, but the filling that has and will be done make these contours meaningless. Mr. Morgan has approved these contours pending the proper contours being provided prior to filing of the final plat.

The following recommendations and suggestions were presented by the staff and discussed:

1. The Subdivision Ordinance requires a minimum right-of-way of 80 feet for industrial streets. It is recommended that the streets shown meet this requirement.
2. The extension of Edgewater Boulevard west is not desirable as the property west of the creek is developed residentially but it is recommended that this industrial street be extended into the industrial area on the east.
3. Modification of the plat should be made due to the flood plain which covers most of Lot 5. The Ordinance does not permit acceptance of a final plat including property subject to flooding. Mr. Fowler stated that there is a south boundary line shown as being the boundary line "requested" by the city. The City has not requested any boundary line but the City Attorney's office feels that the boundary line is about where the flood line is located. He felt that the south boundary line shown on the plat is incorrect but explained that the final work on this has not been completed and the City Attorney has instructed him to clarify this boundary line.
4. The extension of Missouri Pacific Boulevard south may be located through a portion of this subdivision. The Director reported that this plan does not conform to the master plan as provided in the City Charter involving the extension of the Missouri Pacific Boulevard and crossing of the Colorado River as proposed in the Plan and in more detail on Mr. Cotton's (consulting engineer) plan for the Boulevard. He said this is a basic matter in that it is in conflict with the Plan. Mr. Fowler advised that the City Council had directed him to proceed with the condemnation of the entire tract for the purpose of extending the Missouri-Pacific Boulevard southward. Mr. Clagett (subdivider) said he has heard something about

C8-61-20 Town Lake Edgewater Estates--contd.

this continuation but cannot find anything definite about it. He stated that they have been working with this street plan for some time and are continuing to work on the plans. He noted that there has been proposed a Riverfront Drive which would affect this subdivision but this was not shown on the Plan.

Mr. M. O. Metcalfe (engineer) stated that this is an area on which there has been a sand bar, gravel pit, rock quarry, and other things, the dirt having been pulled from this area for fill in the re-channeling of Johnson Creek. He said some of the boundary lines have changed along the River and the excavating the subdivider has done and filling in of pits has changed the contours. He noted that they have surveys as far back as 1912 and have several aerial photos to show that the boundary line was in a part of what is now the River. He stated that they would have to put the street where it is because of existing lines and to widen the street to 80 feet would extend it 25 to 30 feet across the creek. He advised that they were aware of the drainage, excavation and zoning problems but they have not progressed far enough at this time to know what will be done about that but they do know where the road should be. He said they have a commitment on Lot 1 and Mr. Clagett explained that there will be a major apartment project on Lot 1 and while the property is zoned now as industrial they do not want to institute a change of zoning at this time.

The Committee reviewed the problems presented and felt that no action should be taken on this plan until these have been worked out. It was therefore

VOTED: To REFER this subdivision to the Planning Commission pending a resolution of these problems.

SHORT FORM PLATS - CONSIDERED

C8s-61-54 Violet Crown Heights, Sec. 1, Lot 22, Blk. G
Brentwood St. and Grover Ave.

The staff reported that this plat complies with the requirements of the Subdivision Ordinance. The Committee therefore

VOTED: To APPROVE the plat of VIOLET CROWN HEIGHTS, SEC. 1, LOT 22, BLK. G.

C8s-61-68 Frontier Village
Pack Saddle Pass and Ben White Blvd.

The staff explained that this subdivision consists of one lot which is a part of the commercial area proposed in the preliminary plan of Western Trails, a part of which has been given final approval. The subdividers are proposing to separate this one tract which will not involve

C8s-61-68 Frontier Village--contd.

the extension of Redd Street. The Director noted that this is splitting off one commercial lot but Mr. Kinser observed that this is on a corner where there is access from two streets. Mr. Gerald Williamson said the reason for cutting this one lot out is the double-barrel concrete culvert which will be necessary when the remainder of the property is finalized.

The staff called attention to a notation from the Public Works Department Office Engineer requiring additional drainage easements of 5 feet on each side of the existing 20-foot drainage easement, these easements to be deeded by separate instruments. Mr. Williamson explained that the ditch will be some 8 feet deep and that the existing drainage easement is deeded to the Texas Highway Department but the City will take it in a few years and they have requested the additional 5 feet on each side which he feels his client would agree to.

Mr. Jeryl Hart (Marvin Turner Engineers) stated that the owner is interested in getting this short form plat filed as soon as possible. The Committee then

VOTED: To DISAPPROVE the plat of FRONTIER VILLAGE pending the approval of the drainage easement, and to authorize the staff to poll the Commission members when this has been done.

C8s-61-69 River Road Park
River Road

It was reported by the staff that this plat complies with the requirements of the Subdivision Ordinance and is recommended for approval. The Committee therefore

VOTED: To APPROVE the plat of RIVER ROAD PARK.

C8s-61-70 Darsey Subdivision
Wooldridge Drive

The staff reported that this plat complies with the requirements of the Subdivision Ordinance and is recommended for approval. The Committee therefore

VOTED: To APPROVE the plat of DARSEY SUBDIVISION.

C8s-61-72 Phillip Stewart Home Place, Lots 8-12, Pt. Lot 13, and Walsh Place, Resub. Lots 9 and 10, Blk. 1
Bonnie Rd. and Robinhood Tr.

The staff reported that this is a resubdivision of some existing lots, increasing the width of the corner lot above the original 52 feet but still not providing 60 feet. A different layout had been prepared by the staff which would meet the requirements but it was not a good layout and was not recommended, leaving the present plat with less area

C8s-61-72 Phillip Stewart Home Place and Walsh Place Resub.--contd.

than would be needed for a duplex as indicated for the corner lot in the original contact with the subdivider. In view of these problems, the Committee

VOTED: To REFER this plat to the Planning Commission to work out these problems.

C8s-61-73 Daywood Sub. No. 2
Webberville Rd.

The staff explained that Mr. Daywood proposes to subdivide one lot for a grocery store out of a 7- or 8-acre tract without surveying the entire tract. The Committee noted the location of this proposed lot and

VOTED: To APPROVE the plat of DAYWOOD SUB. NO. 2, and to grant a variance from the Subdivision Ordinance on survey requirements.

C8s-61-74 Bouldin Estate, Joe P. Hoffman, Resub. Pt. Lot 9, Blk. D
James Casey St.

The staff reported that this subdivision proposes three lots ranging in depth from an average depth of about 385 feet to about 428 feet, and presented a sketch prepared by the staff showing a possible subdivision with a turn around in conjunction with the property on the south. The Committee felt that this subdivision would provide too deep lots which would leave unusable land on the rear and that it was not good subdivision planning. Therefore, it was

VOTED: To REJECT the plat of BOULDIN ESTATE, JOE P. HOFFMANN RESUB. PT. LOT 9, BLK. D.

C8s-61-75 Fleischer Sub.
Fleischer Dr. and Interstate Hwy. 35

The staff reported that there has been no evidence presented that Fleischer Drive is a dedicated street. Attention was also called to the possibility of this becoming a very long block, the property being about 11 miles from Austin but in a Water District which makes it necessary for the plat to be approved by the Commission. The Committee could see no future immediate development in this immediate neighborhood but felt that the subdivider should hold the length of the block to the standard length required in the city. It was then

VOTED: To REFER the plat of FLEISCHER SUB. to the Planning Commission for lack of evidence and to instruct the staff to suggest to the subdivider that the block length be held to the standard length required in the city and to get all information possible regarding the dedication of Fleischer Drive before the Commission meeting.

ADMINISTRATIVE APPROVAL

The staff reported that 3 plats had received administrative approval under the Commission's rules. The Committee therefore

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the administrative approval of the following subdivisions:

C8s-61-66 Second Resub. Northtowne, Sec. 1

Stillwood Lane

C8s-61-67 Ridgetop Annex, Resub. Parts C & D of Lot 1, Blk. 12

E. 47th St. and Caswell Ave.

The staff reported that the subdivider proposes to build a duplex on Part C, and that a variance in street width is needed, these being existing and developed streets.

The Committee then also VOTED: To grant a variance from the Subdivision Ordinance on street width requirements.

C8s-61-71 Royal Oak Estates, Sec. 2, Resub. Lots 7-8, Blk. R

Roxmoor Dr.

The Committee Chairman then submitted the minutes of the Subdivision Committee meeting of July 10, 1961. The staff reported that no appeals had been filed for review of the Committee's action on July 10, 1961, but that one case had been referred to the Commission without action on:

C8-61-21 Rockway Subdivision

Meredith St. and Rockmoor Ave.

The Commission therefore

VOTED: To accept the following report and to spread the action of the Subdivision Committee of July 10, 1961, on the minutes of this meeting.

PRELIMINARY PLANS

C8-61-21 Rockway Subdivision

Meredith St. and Rockmoor Ave.

The staff explained the proposal of the subdivider as shown on the plan and reported that this property is directly over the caverns. This property is unique because of its size and terrain and has a drainage problem. Mr. Stevens stated that the objection to this plan is that the lots are very shallow and some are double frontage lots. He presented an alternate plan for five lots which front on Meredith and Rockmoor. In considering the various problems created by both plans, the staff made no recommendation.

It was reported that an easement for sanitary sewer would be needed and that a drainage easement may be required across the front part of Lot 5 in the building setback area. An overhang easement will be needed for the Telephone Company and the Electric Department. Mr. Holmes said he would agree to these easements.

C8-61-21 Rockway Subdivision---contd.

Mr. Oscar Holmes, engineer, explained that an 18" drain pipe would be provided on the north line of Lot 5 which would pick up 75% of the water draining onto this property. An inlet would be placed on the curb. He said Rockmoor takes care of its own water. The other 25% would be caught by an inlet on the east side of the cul-de-sac. He further explained that they had prepared three plans for salable lots and storm sewers and drainage and that this plan had been chosen. The elevation difference on this tract is approximately 15 feet. This elevation along with the drainage problem determines the most suitable layout for the developer. They did not want to have to put inlets in the back yards. He said that the homes would face the cul-de-sac and the architectural design would be in keeping with the neighborhood.

Mr. and Mrs. John L. Wier (1900 Rockmoor Ave.), Mrs. Ralph Davidson (2001 Leberman Lane), Mrs. O. P. Breland (3604 Meredith), and Mr. Tom Miller, Jr. (representing his sister, Mrs. Dan R. Shelton of 3701 Stevenson, and his mother and father, Mayor and Mrs. Tom Miller of 3703 Stevenson) appeared in opposition to the proposed subdivision plan and submitted a petition with names of 13 owners. Reasons may be summarized as follows:

1. We have a considerable investment here and do not wish anything that would lower the value of our property.
2. We do not want houses that do not front on Rockmoor and Meredith as we do not want their back doors facing our front doors.
3. We do not object to the alternate plan and think that the subdivider could build very beautiful split-level homes.

The Committee reviewed the plan and felt that further consideration and study should be made and also an inspection of the site. It was therefore

VOTED: To refer this plan to the Planning Commission without a recommendation.

SHORT FORM PLATS - FILED

C8s-61-85 Royal Oak Estates, Sec. 4
 Rogge La. and Wellington Dr.

The staff reported that no reports had been received from the different departments and that clarification of streets should be made before it could be accepted. It was therefore

VOTED: To REJECT the plat of ROYAL OAK ESTATES, SEC. 4, pending clarification of streets.

The staff reported that reports have not been received from several departments and that no action on the following short form plats is recommended at this meeting. The Committee therefore

Short Form Plats - Filed--contd.

VOTED: To ACCEPT the following short form plats for filing:

C8s-61-79 John T. Patterson Addn.

Old 19th and Cliff Sts.

C8s-61-84 Latham Subdivision

Northridge Drive

The following plats were presented under Short Form procedure and action was taken as shown.

C8s-61-81 J. B. Reed Sub.

Radam Lane

The staff reported that a variance was necessary on street width requirements. The Subdivision Ordinance requires a minimum street width of 50 feet. The subdivider is providing 10 feet from his property to bring Radam Lane up to 40 feet. The Committee then

VOTED: To APPROVE the subdivision of J. B. REED SUB. and to grant a variance from the Subdivision Ordinance on street width requirements.

C8s-61-82 G. K. Beckett Estate, Resub. Portion Lot 8

Westview Road

The staff reported that these tracts were originally 3 acres or more in size and that at the present they are subdividing this tract in order to get water connections. A variance is required on the signatures of the adjoining owners. It was felt that this was a reasonable request and the Committee therefore

VOTED: To APPROVE the subdivision of G. K. BECKETT, RESUB. PORTION LOT 8 and to grant a variance from the Subdivision Ordinance on signatures of adjoining property owners.

ADMINISTRATIVE APPROVAL

The staff reported that 4 plats had received administrative approval under the Commission's rules. The Committee therefore

VOTED: To ACCEPT the staff report and to record in the minutes of this meeting the administrative approval of the following subdivisions:

C8s-61-78 Eubank Acres, Sec. 1, Resub. Lots 1 & 2, Blk. E
Caddo St. and Tedford St.

C8s-61-80 Park Forest, Sec. 7, Resub. Lots 21-24, Blk. O
Lansing Drive

C8s-61-83 Resub. E. $\frac{1}{2}$ Lot 20, Sam Huston Hgts.
Pennsylvania Avenue

C8s-61-63 Garden Oaks, Sec. 3
Cardinal La. and S. 3rd St.

PRELIMINARY PLANS

C8-61-21 Rockway Subdivision
Meredith St. and Rockmoor Ave.

The staff reported that the preliminary plan of this subdivision was referred to the Commission by the Subdivision Committee and is being brought up at this meeting for both preliminary and final approval. It was further reported that the engineer has stated that in lieu of suggestions by the Department he would prefer to withdraw his present application to subdivide the property with a cul-de-sac if he could get some assurance that he would be able to subdivide this property fronting on the existing streets rather than having the cul-de-sac. Mr. Stevens said that the staff has made a comparison of the two plans and the department preference is to have the lots front on the existing streets. This is based on the problems created by the turn around; that the omission of the cul-de-sac would permit a better depth of lots and give more choice of locations for houses on the lots. He further said that one of the objections to this lot arrangement was that a storm sewer inlet would have to be provided on the rear of one of the lots rather than having it in a street. A drawing showing the type of inlet was shown to the Commission. Mr. Barrow asked if it was felt by the staff that this new plan would be approved by the Department of Public Works and Mr. Stevens thought it would.

One lady across the street said the new plan proposes a corner lot siding on the front of her house across the street but Mr. Barrow explained that any house on this corner lot could face either Rockmoor or Meredith and the Commission would have no control over that.

Mr. William B. Gardner, Jr. (2003 Elton Lane) said there are some things the neighbors felt the Commission should consider in connection with this plan, one being the drainage. He said the water formerly drained into the Lake Austin cave which has been filled in and is presently underneath the proposed subdivision and he assumed that the street department is aware of this problem because of the maintenance of Scenic Drive and Rockmoor after the heavy rains. Mr. Barrow said the Commission would not approve a subdivision until the Public Works Department has approved the drainage situation. He felt that the lots and dwellings on this property should be comparable in size, structure and ownership to other lots and development in the area where the homes are owner-occupied. Mr. Barrow explained that the Commission has no control over these things but has a minimum size lot requirement in the Subdivision Ordinance.

Mr. Gardner also brought up the widening and paving of Meredith Street but Mr. Barrow said the subdivider would not be required to pave this street since it is an existing street, with lots fronting on it. Mr. Gardner said there is some question as to whether the street is in existence and there is a barricade where the old cave was and the street is not wide enough for two cars to pass unless they are bumper to bumper. He felt if five new homes were placed here this street would have to be widened to a full width and some solution found to solve the problem of its maintenance after rains.

C8-61-21 Rockway Subdivision--contd.

Mr. Fowler said he would like to have an opportunity to look at the drainage plans because the City has some commitments as a result of trying to solve this drainage problem that exists on the tract of land that has already been subdivided on the south of this property.

Mr. Osborne explained that the City tries to care for normal drainage but the City standards will not take care of the water caused by the particular storm that occurred last week.

Mr. Oscar Holmes (engineer) said he has not discussed the paving of the street with the owner at this time, but when they had discussed it earlier in connection with the other plan he did not choose to pave the street at this time. Mr. Stevens explained that the plan does offer 20 feet more additional right-of-way for Meredith Street.

The Commission noted the problems presented and generally felt that the plan with lots facing on the streets rather than the cul-de-sac would provide better building sites and a better layout if it meets with the approval of other City departments, especially with regard to drainage. The Chairman announced that the discussion indicates that the alternate plan submitted would be acceptable when it is approved by the proper departments of the City. The Commission then

VOTED: To permit the applicant to WITHDRAW the plan of ROCKWAY SUBDIVISION.

SUBDIVISION PLATS - FILED

C8-60-21 Colonial Hills, Sec. 3 (Revised)
 Wheless La. and Berkman Dr.

The staff reported that this is a revision of a previous plat which was disapproved pending completion of fiscal arrangements and that the new plan includes more property. It was recommended that this plat be accepted for filing subject to further check by the departments and an additional fee for the added property. The Commission therefore

VOTED: To ACCEPT for filing the plat of COLONIAL HILLS, SEC. 3 as revised.

SUBDIVISION PLATS - CONSIDERED

C8-60-9 Delwood Terrace, Sec. 1
 Wellington Dr. N. of Rogge La.

Mr. Stevens explained that verbal reports from two departments have been received and written reports from all others. He also said the staff has asked the engineer to remove that portion of Wellington Drive outside of the subdivision which was formerly shown on the plat and the engineer has agreed to do this. It was recommended that the Commission disapprove the plat pending these items and authorize the staff to poll the members when these requirements have been met. The Commission then

Planning Commission -- Austin, Texas

Reg. Mtg. 7-18-61

C8-60-9 Delwood Terrace, Sec. 1--contd.

VOTED: To DISAPPROVE the plat of DELWOOD TERRACE, SEC. 1, pending receipt of all necessary departmental reports and correction of the plat to eliminate that section of Wellington Drive outside of the subdivision, and to authorize the staff to poll the Commission when these requirements have been met.

C8-61-16 Royal Oaks Estates, Sec. 3
Rogge Lane and Wellington Dr.

Mr. Stevens reported that all departmental reports have been received except two which are verbal reports and suggested that the Commission disapprove this plat pending receipt of these written reports and to authorize the staff to poll the members when these reports have been received. The Commission therefore

VOTED: To DISAPPROVE the plat of ROYAL OAKS ESTATES, SEC. 3, pending receipt of all necessary written departmental reports and to authorize the staff to poll the Commission when this is done.

C8-61-19 University Hills, Sec. 3, Phase 2
Northeast Dr. at North Hampton Dr.

It was reported by the staff that fiscal arrangements have not been completed and that no report has been received from the engineering department due to insufficient data needed before electric easements requested for Lots 18 and 22, Block 6, can be shown on the plat. It was further reported that the developer is asking for disapproval pending completion of fiscal arrangements so that the problems can be cleared and the Commission polled within the next day or two. The Commission then

VOTED: To DISAPPROVE the plat of UNIVERSITY HILLS, SEC. 3, PHASE 2, pending completion of fiscal arrangements and receipt of all departmental reports, and to authorize the staff to poll the Commission members when these have been done.

C8-61-21 Rockway Subdivision
Meredith St. and Rockmoor

In accordance with action on the preliminary plan of this subdivision, the Commission

VOTED: To permit the applicant to WITHDRAW the plat of ROCKWAY SUBDIVISION.

SHORT FORM PLATS - FILED

The staff reported that reports have not been received from several departments and that no action on the following short form plats is recommended at this meeting. The Commission therefore

VOTED: To ACCEPT the following short form plats for filing:

- C8s-61-86 Alamo Heights, Sec. 1, Resub. Lots 5, 6, 9, 10, Blk. B
S. 1st St. S. of Philco Dr.
- C8s-61-87 Julia B. Clark Resub. S. $\frac{1}{2}$ Lot 2, Blk. 7, O.L. 56
Cotten and San Bernard Sts.
- C8s-61-88 Ridgetop Gardens, Re-Resub. Lots 3 & 4
East 52nd St.

SHORT FORM PLATS - CONSIDERED

- C8s-61-76 University Hills, Sec. 1, Resub. Lots 1, 2, 3, Blk. A
Vanderbilt La. and Northeast Dr.

The staff reported that fiscal arrangements have not been completed. The Commission therefore

VOTED: To DISAPPROVE the plat of UNIVERSITY HILLS, SEC. 1, RESUB. LOTS 1, 2, 3, BLK. A, pending completion of fiscal arrangements.

- C8s-61-85 Royal Oaks Estates, Sec. 4
Rogge Lane

Mr. Stevens explained that this plat can be approved as soon as Section 3 is approved since it will dedicate a street on which these lots front. He said the staff is recommending disapproval pending approval of Section 3 and authorization to poll the Commission members when this is done. The Commission therefore

VOTED: To DISAPPROVE the plat of ROYAL OAKS ESTATES, SEC. 4, pending approval of Section 3, and to authorize the staff to poll the Commission at that time.

- C8s-61-89 Colorado Foothills, Sec. 1, Resub. Lot 4 & Pt. Lot 3
Balcones Drive

The staff reported that a variance is requested since the adjoining owner is not available to sign the plats. The Commission then

VOTED: To APPROVE the plat of COLORADO FOOTHILLS, SEC. 1, RESUB. LOT 4 & PT. LOT 3, and to grant a variance from the Subdivision Ordinance on signature requirements.

Planning Commission -- Austin, Texas

Reg. Mtg. 7-18-61

C8s-61-90 Travis Heights, Resub. Lots 9-11, Blk. 46
Kenwood Ave. at Avondale Rd.

It was reported by the staff that this plat satisfies all the standards of the Subdivision Ordinance and is recommended for approval. The Commission therefore

VOTED: To APPROVE the plat of TRAVIS HEIGHTS, RESUB. LOTS 9-11, BLK. 46.

OTHER BUSINESS

C10-61-1 STREET DEDICATION
Redwood Ave. and Greenwood St.

The dedication of a street in connection with a zoning change application of Dr. Everett H. Givens (C14-61-35) was considered and the following comments and action were made:

Mr. Osborne: The zoning case in relation to the property at the end of Greenwood Avenue (C14-61-35) went to the City Council and the question discussed by the Council was the exact recommendation of the Planning Commission concerning the dedication of the street. I stated to the Council that it was my understanding that the Commission recommended the dedication of the street to Redwood Avenue. In turn, Dr. Givens and his architect presented an alternate plan which I think you should consider which would involve the creation of a cul-de-sac at the end of Greenwood Avenue only instead of dedication of a street.

Mr. Barrow: I presume that the cost of the development of the street would be too great an expense?

Mr. Osborne: The reason stems from the memo I sent to the City Manager and the Mayor concerning this street showing the cost of development for the street with water, sewer, curb and gutter, drainage and gas to be a total cost of over \$10,000. That would be for the entire 600-foot length. At no point did I state that this was a necessary cost of any one property owner or any several property owners or what the City's participation in this would be. I feel this is the City Council's prerogative to determine what the City's part is in this. Roughly, \$1200 is for gas, to be refunded in a minimum of \$150 for each connection made. Whether any additional refund would be given in the event the nursing home is built there, I don't know.

Secondly, on the water and sanitary sewer, Mr. Davis stated that it is possible that Council authorization may approve that a refund contract could be worked out on this. We have a tentative proposal for a short form subdivision which we cannot accept on the Smith property adjoining the Dr. Givens tract which fronts onto this roadway easement. This would be a 5-lot short form subdivision and we cannot accept it until there is a street dedication but we feel that the Smiths are somewhat interested since they are proposing a subdivision there. This would bring up the question of eligibility of the property for a contract or possibly a cash settlement if the Council authorizes that. There are several possible ways in which a cash settlement could be worked out.

C10-61-1 Redwood Avenue and Greenwood Street Dedication--contd.

The third item concerns the matter of paving of the street and exactly how it fits the City policy. My off-hand opinion is that this constitutes a boundary street. In the development of Greenwood Avenue, it was suggested to the Commission that this street be opened up through there, but the Commission several years ago approved a subdivision without that street. However, the property in Greenwood Heights did not include the land that is in this easement. I think that was part of the reason why the Commission did not require the street to be there, because the people that developed Greenwood Heights did not control that land. Dr. Givens, Mr. Smith, and the other owner all are involved in this street on the south portion of their property. It comes under our definition of a boundary street which does involve possible financial arrangements in which the City could possibly participate. The Mayor felt that some means should be found that the City could participate in this cost.

The discussion would up with the question of what street we want. Do we want just a cul-de-sac or do we want a street running all the way through? The reason for my recommendation to try to get the entire street is that the access into the property to the west and the development of the property to the east does hinge on this street, and this would seriously inhibit the question and problem of developing that area adjoining on the west if the cul-de-sac is done and where no dedication extends to the west property line.

Mr. Barrow: What is to prevent putting in a cul-de-sac at this time and leaving the easement as it is? How does the cul-de-sac interfere with the later development of a street here?

Mr. Osborne: This brings up the same question we had with Greenwood Heights. At what point should sound access be gained to this property? At what point should you go ahead and finish out this thing?

Mr. Barrow: In order to do that you involve property other than what these people have.

Mr. Osborne: We feel that their property also involves the people. By the very intensive use of having 87 patients on this piece of property and changing to "B" Residence to permit that development in contrast to the surrounding "A". Access would be gained by Greenwood Avenue and over this access easement street, and I think access over that easement would be used to get to the property. I feel that it would be best if all those involved in this be required to give this street; however, it winds up with Dr. Givens being the one to make the application proposing the development. We do need the street going all the way across and if we fail to go ahead and make every effort to get this now, we will lose in the final analysis the development of this street.

Mr. Kenneth Lamkin: We offered to substitute the cul-de-sac because of the exorbitant cost of the street. Whether the City of Austin will accept that or not will depend on what action you take here. Touching on Mr. Osborne's

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points of development of the rest of this particular tract of land, I don't know that there is any effort being made to develop it. It is about three blocks from the west line of this property to Evergreen Cemetery. Coming west from this land, it is rather hilly. Possibly it will be years before an attempt is made to develop the land. Also hinging on your suggestion, I don't know what would prevent it if in years to come an application is made for development of the area west of this particular piece of property. The City could act then and dedicate and extend the street to serve the area that would be developed to the west.

Mr. Osborne mentioned that he traveled over the easement getting to this property. I think most of the traffic coming to this place would come over East 12th Street into Greenwood and turn north into this cul-de-sac. That would possibly be 75% to 80% of the traffic going to this particular development. Other than the fact that the \$10,000 and more cost for development of that easement is the fact that Mr. Bud Fowler owns just one lot on the east end of the easement and he is trying to sell the lot for \$500. In the middle is Mrs. Smith, a widow, who owns better than an acre, and I am sure she is not in a position to undertake any portion of the \$10,000 burden. We are trying to save some cost in offering this and at the same time create an opportunity to have some return on this investment, otherwise we just have some dead property here that nobody will buy, with this burdensome cost item facing them, and those that have it will never get anything out of it.

Mr. Kinser: It looks like it is quite an expenditure for people who are not able to develop their property. I think the benefit resulting out-weighs the arguments against the problems. I move that the cul-de-sac plan be approved.

Mr. Osborne: In the site plan proposed, the portion of the easement will be used for off-street parking area. It is not actually an easement except by use. The individual owners on the north actually have title to this. It is still in the title of the individual owners and it can be used as a part of their development.

Mr. Kinser: I thought this easement went all the way over to the east side.

Dr. Givens: It is possible to eliminate that parking area from the easement.

Mr. Barrow: I would go along with the cul-de-sac with the agreement that the City could obtain this easement when it is necessary. I would not be willing to do anything that would preclude the opening of the street.

Dr. Givens: We will take this off and revise the plan to eliminate that parking area.

Mr. Osborne: You could make a recommendation to the Council to approve the cul-de-sac with an easement given to the City on the balance of the roadway which would prevent any building thereon.

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Dr. Givens: That is agreeable to us.

Mr. Barrow: The motion was that the Planning Commission looks favorably at this time on the suggestion of placing the cul-de-sac at the end of Greenwood Avenue providing the owners of this particular piece of property will give the City a 50-foot easement on each side of their cul-de-sac for future street use and that the cul-de-sac be developed; I would like to say to the Council in connection with our passing this that the Commission feels that the development of the street on both sides is the best solution of the problem but we don't know what the Council will do with regard to participation in the expense of this street. We recommend that if the City will participate in the expense of developing the street it be done that way. Now knowing what they will do about it, we will approve the cul-de-sac. We do not think the cul-de-sac is the best solution but with City participation we think all of it should be made a street. It was then unanimously

VOTED: To advise the applicants that the Planning Commission looks favorably at this time on the suggestion of placing the cul-de-sac at the end of Greenwood Avenue providing the owner of this particular piece of property will give the City a 50-foot easement on each side of their cul-de-sac for future street use and that the cul-de-sac will be developed.

ABSENT: Messrs. Baldrige, Brunson, and Lewis

RL41 RULES AND PROCEDURES

The Chairman suggested that the Rules and Regulations of the Commission be amended to provide for an Assistant Secretary who could sign subdivision plats when the regular Secretary is not available. The Commission agreed to this and that this amendment would be adopted in accordance with the present Rules requiring that a proposed amendment be spread on the minutes of one meeting before being formally adopted.

Since the present Secretary is now out of the City the Commission

AGREED: That Mr. Barkley would be appointed to serve as Secretary during the absence of Mr. Lewis pending an amendment to the Rules and Regulations.

ADJOURNMENT

The meeting was adjourned at 10:50 p.m.

APPROVED:

David B. Barrow
Chairman

Hoyle M. Osborne
Hoyle M. Osborne
Executive Secretary